

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JOYCE JABLONSKI,

RESPONDENT,

v.

BARTON MUTUAL INSURANCE COMPANY,

APPELLANT.

DOCKET NUMBER WD68814

DATE: July 14, 2009

Appeal From:

JOHNSON COUNTY CIRCUIT COURT

THE HONORABLE JACQUELINE ANNETTE COOK, JUDGE

Appellate Judges:

DIVISION TWO: LISA WHITE HARDWICK, Presiding Judge, HAROLD L.
LOWENSTEIN and VICTOR C. HOWARD, Judges

Attorneys:

Stephen D. Manz, Esq., and Theresa S. Hall, Esq., Kansas City, MO, **for
appellant.**

John H. Edmiston, Esq., Warrensburg, Mo, **for respondent.**

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

JOYCE JABLONSKI,

RESPONDENT,

v.

BARTON MUTUAL INSURANCE COMPANY,

APPELLANT

WD68814

Johnson County

Before Division Two Judges: Judges HARDWICK, P.J., LOWENSTEIN and HOWARD, J.J.

Barton Mutual Insurance Company appeals from a judgment awarding damages to Joyce Jablonski for breach of her homeowner's insurance policy. Barton contends the circuit court erred in: (1) failing to grant a directed verdict based on the application of the insurance policy's "business property" coverage limit; (2) admitting the insurance policy into evidence; and (3) awarding prejudgment interest.

AFFIRMED.

Division Two holds: (1) The circuit court did not err in denying a directed verdict because the parties presented conflicting evidence as to whether the business property coverage limit was applicable. (2) In light of this dispute on the coverage limit, the court properly admitted the insurance policy into evidence

because the application of the policy language was a fact question for the jury. (3)

The court properly awarded prejudgment interest because Jablonski's damages were based on a fixed and readily ascertainable method of calculation of value for her lost artwork.

Opinion by: Lisa White Hardwick, Judge

July 14, 2009

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.